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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,542	11/30/2001	Takanori Saneto	SONYJP 3.0-215	5885
530	7590	10/05/2004	EXAMINER	
LERNER, DAVID, LITTENBERG, KRMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			GREENE, DANIEL L	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/998,542	SANETO ET AL. <i>[Signature]</i>
	Examiner	Art Unit
	Daniel L. Greene	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 November 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the Abstract discloses:
2. (a) The prevention of third parties from authorized use of digital content.
3. (b) The generation of an ID and password in reference to the approval of the use of a credit card.
4. The claims disclose the transmitting, receiving and verification of settlement information. Correction is required. See MPEP § 608.01(b).
- 5.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linehan U.S./ Patent 6,327,578 [Linehan].**

As per claims 1, 4, and 5:

Linehan discloses:

a first receiver operable to receive settlement information for use in accounting settlement from another information processing apparatus; Col. 3, lines 13-25.

a data generator operable to generate identification data for identifying a user of content upon receipt of said settlement information, said identification data including said settlement information; Col. 3, lines 20-35.

a transmitter operable to transmit said identification data to said another information processing apparatus. Col. 3, lines 40-45.

Linchan discloses the claimed invention except for a first receiver operable to receive, and a transmitter operable to transmit. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a first receiver operable to receive, and a transmitter operable to transmit since it is known in the art that to send, forward and pass information between commercial entities, Col. 3, lines 12-25, the various entities must possess the receivers and transmitters to communicate between each other.

As per claim 2:

Linehan further discloses:

wherein said identification data is made up of an ID and a password, one of said ID and said password including said settlement information. Col. 4, lines 10-24.

As per claim 3:

Linehan further discloses:

a recorder operable to record said identification data; Col. 6, lines 1-67.

a second receiver operable to receive said identification data; Col. 6, lines 1-67.

a comparing unit operable to compare said identification data recorded by said recorder with said identification data received by said second receiver to produce a comparison result; Col. 6, lines 1-67.

a requesting unit operable to request a key providing apparatus to provide a key for decrypting said content to said another information processing apparatus based on said comparison result. Col. 9, lines 5-10.

Linchan discloses the claimed invention except for specifically identifying the transaction entities by the terms a comparing unit, a requesting unit, and a second receiver operable to receive. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a comparing unit, a requesting unit, and a second receiver operable to receive since it is known in the art that to conduct a transaction you must have the capabilities to compare authentication data, a requesting unit, and a second receiver operable to receive data .

As per claims 6, 9, and 10:

Linehan discloses:

a first receiver operable to receive said settlement information from a first information processor; Fig. 2A, **212**

a decision unit operable to determine whether said received settlement information is recorded in said information processing apparatus; Fig. 3, **308, 310.**

a data generator operable to generate said user identification data corresponding to said received settlement information if said received settlement information is not recorded in said information processing apparatus; Col. 7, lines 55-67- Col. 8, lines 1-15.

a recorder operable to record said received settlement information in correspondence with said user identification data if said user identification data has been generated; Col. 6, lines 1-10.

a first transmitter operable to transmit said generated user identification data to said first information processor if said user identification data has been generated; Col. 6, lines 8-40.

a first retrieving unit operable to retrieve said user identification data recorded in correspondence with said settlement information if said received settlement information is recorded in said information processing apparatus. Col. 3, lines 13-25.

a second transmitter operable to transmit said retrieved user identification data to said first information processor if said user identification data has been read. Col. 3, lines 40-45.

Linehan discloses the claimed invention except for a first receiver operable to receive, and a transmitter operable to transmit. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a first receiver operable to receive, and a transmitter operable to transmit since it is known in the art that to send, forward and pass information between commercial entities, Col. 3, lines 12-25, the various entities must possess the receivers and transmitters to communicate between each other.

Linehan further discloses the claimed invention except for a second transmitter operable to transmit. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have as many transmitters/receivers as required to conduct a transaction, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per claim 7:

Linehan discloses the claimed invention as per claims 6, above, except for a second receiver operable to receive, a second retrieving unit operable to retrieve, and a third transmitter operable to transmit said settlement information. It would have been obvious to one having ordinary skill in the art at the time of the invention was

made to have as many transmitters/receivers as required to conduct a transaction, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per claim 8:

Linehan further discloses:

wherein said user identification data is used to identify a user who uses digital content. Col. 9, lines 5-10.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/27/2004

DLG

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600